

**CITY OF MURFREESBORO
BOARD OF ZONING APPEALS**

Regular Meeting, November 21, 2019, at 1:00 p.m.
City Hall, 111 West Vine Street, Council Chambers, 1st Floor

A G E N D A

1. Call to order
2. Consideration of minutes for the regular meeting on October 23, 2019
3. New Business

Variance Request

- a. **Application Z-19-032 by Nate Williams representing the City of Murfreesboro Parks and Recreation Department**, requesting a 50' variance from the maximum 20' height for lighting fixtures on property in the Park (P) district located at 1233 Cherry Lane.
4. Staff Reports and Other Business
5. Adjourn

Regular Meeting Minutes of the Murfreesboro Board of Zoning Appeals

**October 23, 2019 – 1:00 P.M.
Council Chambers**

MEMBERS PRESENT

Ken Halliburton, Vice-Chair
Julie King
Tim Tipps
Misty Foy

MEMBERS ABSENT

Davis Young, Chair

STAFF PRESENT

Austin Cooper, *Planner*
David Ives, *Deputy City Attorney*
Matthew Blomeley, *Acting Planning Director*
Brenda Davis, *Recording Assistant*

Vice-Chairman Halliburton called the meeting to order at 1:00 P.M.

The minutes from the September 25, 2019 regular meeting were approved as submitted.

New Business

Special Use Permits

Application Z-19-029 – Won Jonge Soon Nobles, requesting a special use permit for a home occupation (an alteration shop) on property in the Single-Family Residential (RS-10) district located at 414 Lynn Street.

Mr. Cooper reviewed the application and staff comments. If the Board approves this special use permit, Staff recommends the following conditions:

- 1) Customer visits shall be by appointment only.
- 2) No more than one customer at a time shall visit the home-based business.
- 3) Any proposed signage shall comply with the Zoning and Sign Ordinances, shall not exceed 3 square-feet, and shall be subject to any applicable permitting requirements.
- 4) The business shall open no earlier than 8:30 AM and shall close no later than 4:30 PM.

The applicant was present to answer any questions.

Vice-Chairman Halliburton opened the public hearing. There being no one to speak for or against the application, Vice-Chairman Halliburton closed the public hearing.

Vice-Chairman Halliburton asked if the applicant was planning to post any signage.

Mr. Nobles said yes, he planned to post a small sign in the door or window.

Mr. Blomeley reminded the applicants the sign could only be 3 square feet in size.

Mr. Tipps made a motion to approve the special use permit for a home occupation (an alteration shop) on property in the Single-Family Residential (RS-10) district located at 414 Lynn Street with the following conditions:

- 1) Customer visits shall be by appointment only.**
- 2) No more than one customer at a time shall visit the home-based business.**
- 3) Any proposed signage shall comply with the Zoning and Sign Ordinances, shall not exceed 3 square-feet, and shall be subject to any applicable permitting requirements.**
- 4) The business shall open no earlier than 8:30 AM and shall close no later than 4:30 PM.**

The motion was seconded by Ms. King and carried unanimously in favor.

Application Z-19-030 – Greg Freeman representing New Vision Baptist Church, requesting a special use permit for expansion of an existing institutional group assembly use (a church) on property in the Single-Family Residential (RS-15) district located at 1750 North Thompson Lane.

Mr. Cooper reviewed the application and staff comments. If the Board approves this special use permit, Staff recommends the following condition:

- 1) The applicant shall submit a site plan for review and approval in accordance with the regulations set forth in the Zoning Ordinance.

Mr. Matt Taylor with SEC was present to answer any questions.

Vice-Chairman Halliburton opened the public hearing. There being no one to speak for or against the application, Vice-Chairman Halliburton closed the public hearing.

Ms. King asked if more parking is being built above and beyond what needs to be replaced.

Mr. Taylor said yes. He said the church has been utilizing a portion of the Murfreesboro Medical Clinic property shuttling people back and forth. Mr. Taylor said this is going to solve that issue.

BZA Minutes
Regular Meeting
October 23, 2019

Ms. King made a motion to approve the special use permit for expansion of an existing institutional group assembly use (a church) on property in the Single-Family Residential (RS-15) district located at 1750 North Thompson Lane with the following condition:

- 1) The applicant shall submit a site plan for review and approval in accordance with the regulations set forth in the Zoning Ordinance.**

The motion was seconded by Ms. Foy and carried unanimously in favor.

Staff Reports and Other Business

Mr. Blomeley asked the Board Members to review the Board of Zoning Appeals Calendar for 2020.

Vice-Chairman Halliburton asked if a motion was needed for approval.

Mr. Ives said yes.

Ms. Foy made a motion to approve the 2020 Board of Zoning Appeals Calendar, as presented. The motion was seconded by Ms. King and carried unanimously in favor.

The meeting adjourned at 1:12 P.M.

CHAIRMAN

SECRETARY

MURFREESBORO BOARD OF ZONING APPEALS

STAFF REPORT

NOVEMBER 21, 2019

Application: Z-19-032

Location: 1233 Cherry Lane

Applicant: Nate Williams, Murfreesboro Parks and Recreation Department Director

Owner: City of Murfreesboro

Zoning: Park (P)

Requests: A 50-foot variance from Section 18(G)(4) of the City of Murfreesboro Zoning Ordinance, which prohibits lighting fixtures from exceeding 20 feet in height in non-residential developments with structures 35-feet or less in height.



Overview of Request

The Murfreesboro Parks and Recreation Department wishes to install new lighting fixtures to illuminate six (6) existing soccer fields at the Jordan Farm soccer fields. The subject property is located at 1233 Cherry Lane west of Richard Siegel Park. The existing soccer fields have vehicular access to Cherry Lane. There is currently no lighting at these soccer fields. The property is in the process of being rezoned from RS-15 (Single-Family Residential District 15) to P (Park District). The rezoning passed 2nd and final reading at the November 7th City Council meeting. The P zoning for this property will become effective on November 22nd. Recreational fields are permitted by right in the P district.

A total of 24 light poles are proposed to illuminate the six (6) existing soccer fields with the proposed pole height to be 70 feet. The light fixtures will utilize LED technology to be programmable for night illumination. The light pole height exceeds the maximum allowed by the Section 18(G)(4) of the Murfreesboro Zoning Ordinance, which allows for 20-foot-tall fixtures for non-residential developments where the associated structures are less than 35 feet in height. The applicant requests a variance of 50 feet from the required 20-foot maximum light fixture height for the installation of 24 70'-tall light poles.

The photometric plan submitted by the applicant shows the proposed lighting levels at the soccer fields. A revised plan will be presented at the Board of Zoning Appeals meeting confirming the footcandle levels will comply with the Section 18(G)(3)(d) of the Murfreesboro Zoning Ordinance, which restricts illumination levels to 0.5 footcandles at all property lines. The proposed lighting is unlike the current fixtures used at existing City recreational fields like Sportsplex and Richard Siegel Park. The new lighting proposed directs light better to allow for stronger lighting on the field while reducing spillover and glare off of the field. A similar variance was granted at last April's BZA meeting for the height of the proposed lighting fixtures for the West Park on Blackman Road in order to illuminate proposed recreational fields.

Relevant Zoning Ordinance Section

The following sections of the Zoning Ordinance are relevant to this request, as is Section 10 of the Zoning Ordinance, which contains the standards and proof required for variances.

18(G)(3)(d):

Lighting shall be designed so that illumination does not exceed one-half (1/2) foot candle beyond the property line. All lighting shall have the intensities and uniformity ratio consistent with the Lighting Handbook of the Illuminations Engineering Society of North America (IESNA).

Section 18(G)(4):

On-site lighting fixtures in residential developments shall not exceed sixteen feet in height. ***For nonresidential developments with structures thirty-five feet or less in height, fixtures shall not exceed twenty feet in height.*** For nonresidential developments with structures greater than thirty-five feet in height, fixtures shall not exceed a height of thirty feet. Shoebox-style lighting fixtures shall not be used for poles of sixteen feet or less in height. In areas zoned H-I (Heavy Industrial), G-I (General Industrial), or L-I (Light Industrial) to be developed with large parking lots that will occasion maneuvering areas for large trucks, lighting poles and fixtures may be a maximum height of 75 feet.

Standards For Variances from Section 10 of the Zoning Ordinance:

1. Standards and proof required for variances.

Bulk variances and other variances. No bulk variance or other variance shall be granted unless the applicant establishes that the bulk or other regulations generally applicable in the zoning classification for the property for which a variance is requested impose practical difficulties which are unusual to the property and are not self-created. The applicant must also show that the bulk or other variance requested will not be unduly detrimental to other property in the vicinity of the property for which the variance is requested. Additionally, to satisfy the requirements outlined in this subsection for the granting of a bulk or other variance, an applicant shall establish the existence of the following:

- a. Practical difficulties. The narrowness, shallowness or shape, topography or other condition of the land is such that it is extraordinarily difficult to comply with the generally applicable bulk or other regulations of the zoning classification for the property.

According to the applicant, the lighting height imposed by the Zoning Ordinance poses a practical difficulty for this project. The City Parks and Recreation Department contends that for the fields to be properly lighted, poles must exceed the 20-foot maximum height. Further, poles must be physically situated in such a way that they do not interfere with the players' sightlines.

- b. Unusual characteristics of the subject property. The property is unusual in that it has unusual physical features compared to other property located in the same zoning district.

According to the applicant, the nature of the park use, an active park with recreational fields, creates unusual characteristics when compared to other properties in the City. The lighting spillover from the fields is extremely limited and the footcandles at all of the

property lines is 0.0 to not affect light pollution in the surrounding residential areas.

- c. Not self-created. The condition of the property has not resulted from any deliberate action by the owner.

According to the applicant, the sport lights at the requested heights are needed for the playing fields due to the nature of the sport. These will be located at a public park and are consistent with active sport fields.

- 2. **Findings.** The BZA must make specific written findings of fact on each of the standards for a variance in either granting or denying the variance. Said findings will determine that the variance will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public health, safety, comfort, morals, or welfare of the inhabitants of the City.

The applicant will be in attendance to respond to any question the Board may have.

Attached Exhibits

- 1) BZA Application
- 2) Site Plan
- 3) Applicant Letter
- 4) Site Photos

1) BZA Application

City of Murfreesboro BOARD OF ZONING APPEALS		HEARING REQUEST APPLICATION	
Location/Street Address: 3574 Leanna Rd "Jordan Farm"			
Tax Map:	Group:	Parcel:	Zoning District:
Applicant: Nate Williams, MPD Precinct E-Mail: nwilliams@murfreesborotn.gov			
Address: 697 Veterans Pkwy		Phone: 615-890-5337	
City: Murfreesboro	State: TN	Zip: 37129	
Property Owner: City of Murfreesboro			
Address: 111 N. Vine St.		Phone: 615-890-5337	
City: Murfreesboro	State: TN	Zip: 37130	
Request: A variance to be granted for proposed field lighting fixture heights for the Jordan Farm Precinct Security Field			
Zoning District: "P" Parks			
Applicant Signature: [Signature]		Date: 10/20/2019	
Received By: Austin Cooper		Receipt No.: N/A	
Application #: 06A 19-2-032		City GENERAL FUND	

TRANSFER

Murfreesboro Board of Zoning Appeals	
	
T E N N E S S E E	
HEARING APPLICATION AND GENERAL INFORMATION	

2) Applicant Letter



19-2-032

October 28, 2019

City of Murfreesboro Planning Department
111 West Vine Street
P.O. Box 1139
Murfreesboro, TN 37133-1139

Subject: Jordan Farm Soccer Field Lighting

To Whom It May Concern:

This letter is to formally request a variance on the maximum height for the sports lighting fixtures at the Jordan Farm Soccer fields, which consists of 24 total fixtures, lighting 6 fields. The proposed fixtures exceed the maximum height of 20' for a non-residential development with proposed structures under 35' in height.

The proposed lighting project will utilize LED technology and measure approximately 70' in height and will be oriented in such a way that the light will be directed down toward the field of play. All the proposed lighting fixtures will comply with other City of Murfreesboro Site Lighting requirements as detailed in the 2018 Zoning Ordinance.

Attached to this letter, you will find photometric and product details.

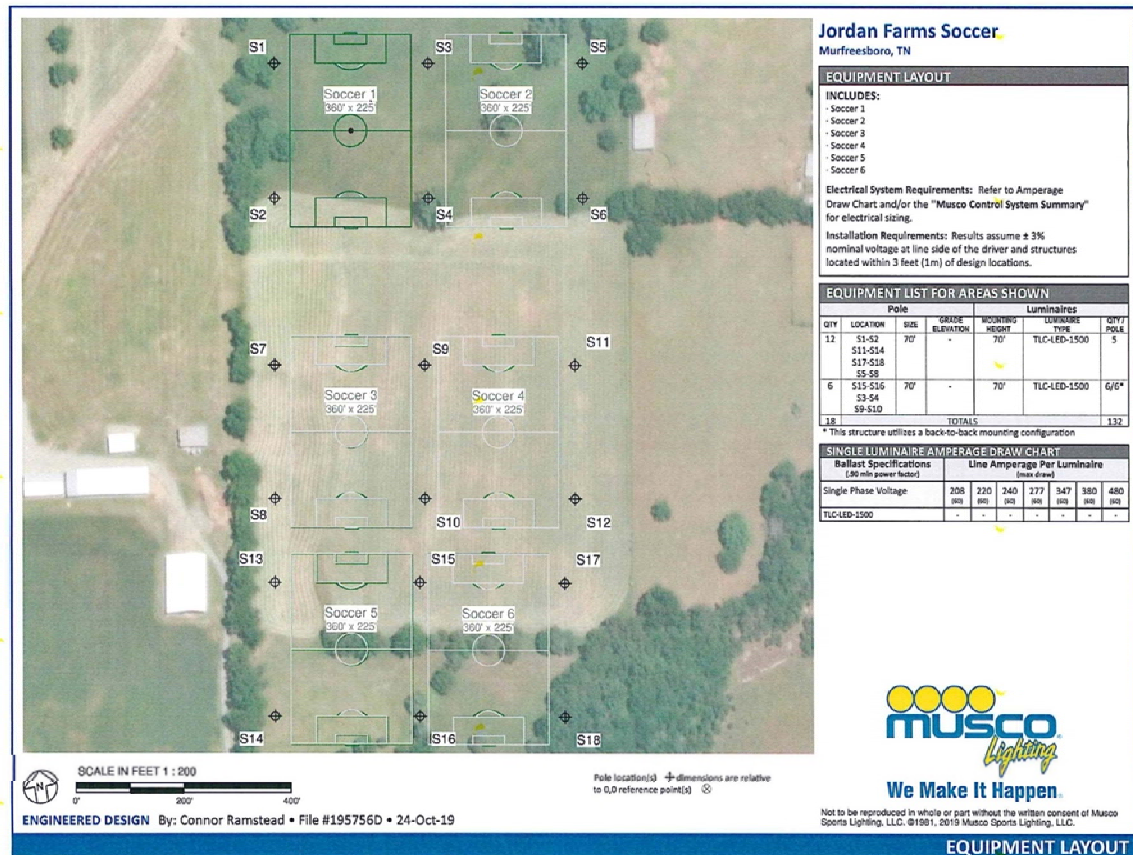
I appreciate your consideration of this request as installation of lights at the Jordan Farm Fields with increase function and playability of the facility. Please don't hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nate Williams".

Nate Williams, Director

3) Site Plan



4) Site Photos

Northeast view of site



Southeast view of site



South view of site

